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11 July 2007

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India: Treatment of Sikhs in Punjab within a contemporary historical context (2005 - 2007)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Sikhism is the fifth largest organized religion in the world (SALDEF n.d.), with approximately 23 million (Ensaaf n.d.) to 24 million adherents (SALDEF n.d.). Sikhs represent approximately two percent of the population in India (Ensaaf n.d.; *Worldmark Encyclopedia of Religious Practices* 2006; US 15 Sept. 2006, Sec. 1). However, most Sikhs in India live in the state of Punjab where they account for roughly 60 percent of the state's population (Ensaaf n.d.; Adherents.com n.d.; see also US 15 Sept. 2006, Sec. 1).

Historical Context

Following the partition of India in 1947, some Sikhs in Punjab have actively promoted the idea of a Sikh homeland or sovereign state, also referred to as "Khalistan" (Institute of Strategic Studies n.d.; see also GlobalSecurity.org 27 Apr. 2005). In the early 1980s, the Sikh community's movement for an independent state turned violent (AI 29 Oct. 2004). In May 1984, the Sikh political party Akali Dal engaged in popular agitation by obstructing the transportation of Punjabi wheat and by withholding taxes from the Indian government (Ensaaf n.d.; Bharat Rakshak 27 Apr. 2005). In retaliation, the government sent 100,000 army troops to Punjab, which resulted in violent attacks against the Sikh community in June 1984 (Ensaaf n.d.). On 3 June 1984, the army launched Operation Bluestar, invading the Golden Temple (Harmandir Sahib complex), India's most sacred Sikh shrine (AI 20 Jan. 2003, 6; *ibid.* 29 Oct. 2004; Ensaaf n.d.). Although the government prohibited media coverage of the attacks, eyewitnesses allege that over 10,000 pilgrims and 1,300 workers could not leave the Golden Temple before the attack for fear of arrest (*ibid.*). Ensaaf, a non-profit organization whose mandate is to put an end to impunity and obtain justice for the state crimes committed in Punjab (*ibid.* Sept. 2006), reports that eyewitnesses cited between 4,000 to 8,000 deaths in Operation Bluestar, though the official numbers report that 83 army personnel and 493 militants were killed (*ibid.* n.d.).

On 31 October 1984, then Prime Minister Indira Gandhi was assassinated by her two Sikh bodyguards in response to Operation Bluestar (*ibid.*; *The New York Times* 11 Apr. 2007; AI 20 Jan. 2003). Human rights organizations report that local political officials and the police targeted Sikhs following the assassination, resulting in the killing of at least 3,000 people and the destruction of Sikh homes and businesses, which left 50,000 Sikhs homeless in New Delhi alone (Ensaaf n.d.; see also AI 20 Jan. 2003, 6). According to the *International Religious Freedom Report 2006*, an estimated 2,700 Sikhs were killed during the 1984 violence (US 15 Sept. 2006, Sec. 2). Operation Bluestar prompted a decade of killings, with an estimated 10,000 (AI 20 Jan. 2003, 4; Ensaaf n.d.) to 20,000 (*The New York Times* 11 Apr. 2007; SATP n.d.b) people killed in Punjab, and "widespread" human rights violations (AI 20 Jan. 2003, 5). Another source states that official statistics indicate that at least 14,469 people were killed between 1985 and 1991 (*Revolutionary and Dissident Movements of the World* 2004, 181). Police officers were reportedly rewarded for capturing and killing Sikh "militants" (AI 20 Jan. 2003, 6; Ensaaf n.d.), which led to an increase in disappearances and extra-judicial executions of Punjabi Sikhs active in the Akali Dal party, as well as families and friends of suspected "militants" (*ibid.*; AI 20 Jan. 2003, 5). Eventually, the Sikh separatist uprising was suppressed in the mid-1990s (*ibid.*; AI 29 Oct. 2004; *The New York Times* 11 Apr. 2007; SATP n.d.b).

Following this period of conflict, the new state administration, a coalition of the Shiromani Akali Dal (SAD) and the Bharatiya Janata Party (BJP), promised a "Truth Commission" to investigate the human rights violations that had occurred in Punjab; however, it was never established (AI 20 Jan. 2003, 7).

Commissions and Inquiries

Several sources report that up to nine inquiry commissions were established to investigate the anti-Sikh riots that started in 1984 (BBC 8 Aug. 2005; AI 16 Aug. 2005; AI 23 May 2007). Much media coverage was given to the Nanavati Commission, an inquiry commission established on 8 May 2000 by the government and headed by former Supreme Court judge G.T. Nanavati (*The Hindu* 10 Feb. 2005; see also BBC 8 Aug. 2005). The Nanavati Commission submitted its report to parliament in February 2005 (*ibid.*; HRW 11 Jan. 2007), and released it in August 2005 (US 6 Mar. 2007, Sec. 1b; *ibid.* 15 Sept. 2006; BBC 8 Aug. 2005).

The report found "credible evidence" that Congress party leaders were involved in anti-Sikh violence, identifying one Congress minister as "very probably" involved in organizing attacks against Sikhs (ibid.; Rediff.com 8 Aug. 2005; US 15 Sept. 2006). The report also states that the police "remained passive and did not provide protection to the people," and that law and order was not maintained (BBC 8 Aug. 2005; *The Tribune* 9 Aug. 2005; US 15 Sept. 2006).

In response to the Nanavati report, Human Rights Watch (HRW) states that, even though some senior Congress leaders resigned as a result of being "blamed" for their involvement in the anti-Sikh riots, "those responsible for planning and instigating the riots are yet to be prosecuted" (11 Jan. 2007). Similarly, the US *International Religious Freedom Report 2006* indicates that, following the Nanavati report, a minister and a member of parliament that were said to be implicated resigned, but "no formal punishment had been handed down" (15 Sept. 2006). Ensaaf further asserts that the government failed to further investigate officials that were identified by the Nanavati Commission as involved in the anti-Sikh riots (Sept. 2005, 5).

Following the release of the Nanavati report, in August 2005, Prime Minister Manmohan Singh provided public apologies for the anti-Sikh riots (AFP 12 Aug. 2005; *The Asian Age* 27 Sept. 2005; US 15 Sept. 2006, Sec. 2). Amnesty International (AI) indicates that the government reportedly promised to reopen another inquiry commission and that most police officers in Punjab responsible for human rights abuses between 1984 and 1994 "continued to evade justice" (23 May 2007).

Mass Cremations Case

Another event involving government authorities targeting Sikhs, is the Punjab mass cremations case (Ensaaf Jan. 2007; ibid. Sept. 2006; HRW 1 Nov. 2005; *The Asian Age* 27 Feb. 2007). In early 1995, human rights activist Jaswant Singh Khaira exposed government crematoria records that showed that security forces had "secretly" cremated thousands of Sikhs in Punjab (HRW 1 Nov. 2005; Ensaaf Jan. 2007). Khaira was abducted in September 1995 (ibid.; HRW 1 Nov. 2005) and six policemen were convicted of Khaira's murder in November 2005, even though Khaira's body was never recovered (BBC 18 Nov. 2005; Ensaaf Sept. 2006; see also HRW 1 May 2006).

The National Human Rights Commission (NHRC) was appointed to investigate 2,097 illegal cases of cremations (Ensaaf Jan. 2007; see also US 6 Mar. 2007, Sec. 1b). The NHRC concluded, in October 2006, that 194 victims were in the custody of the police immediately before their death and cremation, awarding each next of kin 250,000 Indian rupees (INR) [approximately 6,195 Canadian dollars (CAD) (Canada 10 Oct. 2006a)] (NHRC 10 Oct. 2006); however, the *International Religious Freedom Report 2006* reports only 45 such cases (US 15 Sept. 2006, Sec. 2). The NHRC further states that 1,051 victims were "unceremoniously cremated" and awarded each next of kin INR175,000 [approximately CAD4,336 (Canada 10 Oct. 2006b)] (NHRC 10 Oct. 2006). The NHRC also appointed another commissioner to investigate the remaining 814 cases in order to identify the bodies (Ensaaf Jan. 2007); however, reports of this investigation could not be found among the sources consulted by the Research Directorate.

Some sources criticize the NHRC because it examined only whether the bodies were cremated according to the appropriate rules for cremation, instead of investigating why those cremated were killed and who was responsible for these deaths (*The Asian Age* 27 Feb. 2007; HRW 1 Nov. 2005; Ensaaf Jan. 2007). Ensaaf also states that the NHRC failed to hear evidence from the next of kin of the deceased, limited its mandate to three crematoria in Amritsar and did not hold officials accountable (ibid.).

Current Treatment of Sikhs in Punjab

Elections for the Punjab Legislative Assembly took place in February 2007 (Indian Elections 27 Feb. 2007). The Shiromani Akali Dal (SAD), a Sikh-based party, won 67 seats, while 44 seats went to the Indian National Congress (INC) and 5 went to independent candidates (ibid.).

Regarding the current treatment of Sikhs in Punjab, the sources consulted by the Research Directorate provided contrasting views.

Two human rights organizations specializing in the situation of Sikhs in Punjab claim that the treatment of Sikhs involved in militant activities remains an issue of concern (SHRG 23 May 2007; Ensaaf 25 May 2007). The Sikh Human Rights Group (SHRG) is a non-governmental organization that promotes human rights and the peaceful resolution of conflicts; although it was established in 1984 to address the situation in Punjab, SHRG's work now includes minority rights, transnationals, internal conflicts, sustainable development and human rights in other regions (SHRG n.d.). The Director of SHRG indicated in a telephone interview with the Research Directorate that Sikhs who are considered to be involved in Sikh militancy could be targeted by authorities (ibid. 23 May 2007). An October 2005 Ensaaf report entitled "Punjab Police: Fabricating Terrorism Through Illegal Detention and Torture" documented 28 cases in August and September 2005 of Sikhs being illegally detained for "militancy-related activities" (5 Oct. 2005, 4). The report asserts that the Punjab police "routinely" use illegal and incommunicado detention, without informing the families of the places of detention and "frequently tortur[ing] the detainees" (Ensaaf 5 Oct. 2005, 4). The report also claims that the police have threatened and detained relatives of targeted individuals, concocting "exaggerated" stories about suspected Sikh militants in order to justify their abusive tactics (ibid.).

Following a visit to Punjab in April 2007, the Co-Director of Ensaaf claimed, in a recent telephone interview with the Research Directorate, that Sikhs who continue to advocate support for their cause are still being monitored by authorities and, in some cases, risk detention and physical harm (25 May 2007). The Co-Director added that Ensaaf will be publishing a report based on their April 2007 research conducted in Punjab.

In contrast, the South Asia Terrorism Portal (SATP), a Web site dedicated to providing information on terrorism and low intensity warfare in South Asia (SATP n.d.c), reports that the Sikh militant movement is no longer active in Punjab (SATP n.d.a). Similarly, the British Broadcasting Corporation (BBC) reports that the divide between Sikhs and Hindus has been "bridged" (16 Mar. 2005). In its assessment of Punjab for the year 2006, the SATP reports that the state of Punjab is peaceful and free of terrorism, and that there has been no political violence since the Khalistan movement was defeated in 1993, even though a "handful" of terrorist groups continue to promote the Khalistan movement (n.d.a). Punjab police say that "the overall law and order situation in the State remained under control in 2005" (SATP n.d.a).

Similarly, in a telephone interview with the Research Directorate, the Director of the SHRG corroborated that, although Sikhs involved in militant activities could be targeted by authorities, the overall situation for Sikhs in Punjab was good and that there was no evidence that there was an increase in "Sikh insurgency" (23 May 2007).

Although both a professor Emeritus in political science from the University of Missouri and HRW indicate that the Punjab police have a reputation or a history of committing human rights violations (Professor Emeritus 18 May 2007; HRW 20 June 2006), HRW claims that violence and intimidation have decreased since the anti-Sikh riots, though many Sikhs still perceive the police as a threat (20 June 2006).

A 2005 BBC article reports that, despite attempts by Sikhs to revive militancy in Punjab, the Punjab police have "neutralised" Sikh "separatist militants," arresting 24 individuals following the May 2005 Delhi cinema bombings (20 June 2005). No recent reports of the arrest or detention of Sikhs could be found among the sources consulted by the Research Directorate.

Conflict with the Dera Sacha Sauda

In May 2007, clashes erupted between the Dera Sacha Sauda and the Sikh community in Punjab (*The Times of India* 17 May 2007; BBC 22 May 2007). Dera Sacha Sauda is a non-Sikh spiritual organization that was established in Sirsa in 1948 (Dera Sacha Sauda n.d.; see also *The Times of India* 18 May 2007a). Some media sources refer to it as a "cult" (*The Times of India* 18 May 2007a) or "sect" (BBC 22 May 2007).

The clashes erupted after the head of the Dera Sacha Sauda imitated Sikh religious ceremonies performed by Guru Gobind Singh (a well-respected Sikh guru), which was considered an insult by the Sikh community (*The Tribune* 14 May 2007a; *ibid.* 21 May 2007; *The Times of India* 17 May 2007). *The Tribune* reports that protests occurred in the following districts in Punjab: Patiala, Fatehgarh Sahib, Hoshiarpur, Sangrur, Nawanshahr and Bathinda (16 May 2007a; *The Tribune* 14 May 2007b). News sources also report that the clashes resulted in injuries (*ibid.* 16 May 2007b; *The Times of India* 20 May 2007) and arrests (*The Tribune* 20 May 2007a). The BBC reports that one man was shot dead during the clashes (22 May 2007), information which was corroborated by an article in *The Times of India* (18 May 2007b). Sikh leaders declared an edict for all deras (temporary abodes or camps (India n.d.) or chapters (Ensaaf 25 May 2007) of the Dera Sacha Sauda) to be closed by 27 May 2007 (BBC 22 May 2007; *The Times of India* 20 May 2007; *The Tribune* 20 May 2007b); however, the Dera Sacha Sauda refused to accept this edict (*ibid.*). On 22 May 2007, a bandh (a form of protest usually consisting of a one-day strike) was called by the Sikh community in Punjab (*ibid.* 22 May 2007a; *The Times of India* 20 May 2007). Media sources indicate that, following a meeting between Sikhs and Dera Sacha Sauda, a resolution to the conflict was drafted (*The Tribune* 22 May 2007b; *The Indian Express* 24 May 2007; *Hindustan Times* 22 May 2007). Information as to the tenets or outcome of the resolution could not be found within the time constraints of this Response. However, *The Tribune* reports that the Dera Sacha Sauda leader issued an apology through a press note on 27 May 2007 (27 May 2007) and other media sources report that this apology was not accepted by leaders of the Sikh community (*The Hindu* 30 May 2007; DailyIndia.com 30 May 2007; *Hindustan Times* 29 May 2007).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The Punjab State Human Rights Commission (PSHRC), the Shiromani Gurdwara Parbandhak Committee (SGPC), two academics at the University of California in Santa Barbara and the World Sikh Organization did not provide information within the time constraints of this Response.

Attempts to contact a professor at the University of Michigan were unsuccessful.

Internet sites, including: Center for Sikh and Punjab Studies at the University of California in Santa Barbara, Danish Immigration Service, Freedom House, Hudson Institute, Minorities at Risk, Minority Rights Group International, Office of the United Nations High Commissioner for Human Rights (OHCHR), Ontario Sikh and Gurdwara Council, Punjab Government, Punjab Police, Punjab State Human Rights Commission (PSHRC), Reporters sans frontières, Shiromani Gurdwara Parbandhak Committee (SGPC), Sikh Human Rights Group, *The Statesman* [Kolkata], United Kingdom Border and Immigration Agency, Voices for Freedom, World Sikh Organization.

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